REMARKS

Claims 1-4, 6-17, 19, 21-42 and 44-45 are pending in this application. Paragraph [0030] of the specification has been amended.

Claims 1-8, 28-39 and 46 have been rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner alleges that these claims define a computer readable medium that is transmitted as an electromagnetic signal, as described in paragraph [0030] of the specification. First, the Applicants note that claims 5 and 46 have been cancelled, and the rejection thereof is moot. Furthermore, the Applicants note that paragraph [0030] does not suggest that the computer readable medium is transmitted. Rather, paragraph [0030] states that computer readable code may be stored in a plurality of computer systems distributed over a network. In other words, paragraph [0030] states that the computer readable medium could be a plurality of computer readable media (i.e., a plurality of computer systems) that store the computer readable code. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Claims 1-4, 6-17, 19, 21-42 and 44-45 have been rejected under 35 U.S.C. §102(e) as being anticipated by Haskell et al. (U.S. Publication No. 2004/0054965), hereinafter "Haskell." The Applicants respectfully traverse the rejection and request reconsideration.

Regarding the rejection of independent claim 1, it is noted that claim 1 recites an information storage medium comprising core mode data, browser mode data, program mode data, and "startup data which designates one of the mode data to be initially reproduced among the core mode data, the browser mode data, and the program mode data, when the information storage medium is loaded into a reproducing apparatus." In contrast, Haskell only discloses an MPEG-4 system that offers a variety of multimedia functions, but does not disclose a medium comprising core mode data, full mode data, and startup data. Specifically, Haskell does not suggest any data that designates a mode or specific mode data, from among a plurality of modes or mode data, to be initially reproduced when a storage medium therefor is loaded into a reproducing apparatus. In fact, Haskell does not even disclose a plurality of modes, let alone data to designate one of a plurality of the modes. The Examiner cites paragraph [0009] for a teaching of the startup data. However, paragraph [0009] vaguely discusses MPEG-4 players, systems, and methods. Like the rest of Haskell, paragraph [0009] makes no mention of any designation of a mode or mode data. Moreover, while Haskell includes a vague reference to a

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storage device or a network node from which the MPEG-4 data is received (paragraph [0035], the entirety of Haskell does not suggest a storage medium that is loaded into a reproducing apparatus. Therefore, the Applicants respectfully submit that Haskell fails to disclose, implicitly or explicitly, startup data that designates one of a plurality of mode data to be initially reproduced when a storage medium therefor is loaded into a reproducing apparatus, as recited in claim 1.

Regarding the rejection of claims 2-4 and 6-8, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 9, it is noted that claim 9 is allowable for at least similar reasons to those provided above with reference to claim 1.

Regarding the rejection of claims 10-17, it is noted that these claims depend from claim 9 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 19, it is noted that claim 19 is allowable for at least similar reasons to those provided above with reference to claim 1.

Regarding the rejection of claims 21-27, it is noted that these claims depend from claim 19 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 28, it is noted that claim 28 is allowable for at least similar reasons to those provided above with reference to claim 1. In particular, it is noted that Haskell fails to disclose a plurality of modes, let alone a plurality of mode data. Furthermore, Haskell does not suggest "navigation data controlling a playback of the moving picture data," as recited in claim 28. Therefore, the Applicants respectfully request that the rejection be withdrawn.

Regarding the rejection of claim 29, it is noted that this claim depends from claim 28 and is, therefore, allowable for at least the reasons set forth above. Furthermore, it is noted that Haskell fails to disclose, implicitly or explicitly, startup data, as recited in claim 29.

Regarding the rejection of claims 30-39, it is noted that these claims depend from claim 28 and are, therefore, allowable for at least the reasons set forth above.

Regarding the rejection of independent claim 40, it is noted that claim 40 is allowable for at least similar reasons to those provided above with reference to claim 1.

Regarding the rejection of claims 41-42 and 44-45, it is noted that these claims depend

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from claim 40 and are, therefore, allowable for at least the reasons set forth above.

Respectfully, the Applicants remind the Examiner that the rule under 35 U.S.C. §102 is well settled that anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Those elements must either be inherent or disclosed expressly and must be arranged as in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 USPQ2d 1057 (Fed. Cir. 1988); Verdegall Bros., Inc. v. Union Oil Co., 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). In addition, the prior art reference must be enabling. Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). The corollary of that rule is that absence from the reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ2d 81 (Fed. Cir. 1986).

The burden of establishing a basis for denying patentability of a claimed invention rests upon the Examiner. The limitations required by the claims cannot be ignored. See In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). All claim limitations, including those which are functional, must be considered. See In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Hence, all words in a claim must be considered in deciding the patentability of that claim against the prior art. Each word in a claim must be given its proper meaning, as construed by a person skilled in the art. Where required to determine the scope of a recited term, the disclosure may be used. See In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971).

In view of the foregoing arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC office at (202) 216-9505. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or surrender any limitations/features of the disclosed invention to the public.

Respectfully submitted,

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